

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C.

In the Matter of)	MM Docket No. 99-144
)	
Amendment of Section 73.202(b))	RM No. 9538
Table of Allotments)	
FM Broadcast Stations)	
(Wake Village, Texas)	
Arcadia and Gibsland, Louisiana)	

To: The Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

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 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

COUNTERPROPOSAL

Baker Creek Broadcasting Company ("Baker Creek"), by counsel,
 pursuant to 47 CFR §1.415, respectfully submits its *Counterproposal* in response
 to the Notice of Proposed Rule Making ("NPRM") released on May 7, 1999, by
 the Chief, Allocations Branch. In support thereof, the following is stated:

1. Houston Christian Broadcasters, Inc. ("HCBI"), licensee of FM
 station KBHA, Channel 223A, Wake Village, Texas, initiated this rulemaking with
 the filing of a Petition for Rule Making requesting the substitution of channel
 223C3 for Channel 223A at Wake Village, Texas.

2. In order to accommodate the KBHA upgrade, HCBI requested that
 the construction permit for Channel 223A at Arcadia, Louisiana be upgraded to
 Channel 231C3. The permittees of channel 223A at Arcadia, Charles and Patti
 Odom (the "Odoms"), consented to the proposed modification.

3. The NPRM was released on May 7, 1999. The NPRM set June 28,
 1999 as the date for filing comments and July 13, 1999 as the deadline for filing

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reply comments. On June 23, 1999, HCBI and the Odoms filed joint comments in support of the HCBI petition.

4. At this time, Baker Creek seeks to counter-propose the allotment of Channel 231C3 to the community of Gibsland, Texas rather than assigning 231C3 to Arcadia, Louisiana as proposed by the Odoms. The Baker Creek counterproposal can be represented as follows:

City	Present	Proposed
Gibsland	--	231C3

5. As indicated in the attached Engineering Statement (attached hereto as Exhibit 1), Channel 231C3 can be assigned to Gibsland in complete compliance with the Commission's distance separation requirements as contained in 47 CFR §73.207. Therefore, the instant rulemaking is in complete compliance with the Commission's rules. See 47 CFR §73.1675.

6. The reference coordinates contained in this counterproposal: 32-25-47 N 92-56-46 W provide coverage in complete compliance with the Commission's minimum mileage separation requirements as well as the city grade coverage requirements. Moreover, there is sufficient area available for placing an appropriate transmitter.

7. Gibsland is a city located in Bienville Parish, Louisiana. According to the 1990 Census, Gibsland has a population of 1224 persons. At present, Gibsland is not receiving community service from any aural service.

8. Adoption of the Baker Creek counterproposal would result in a preferential arrangement of allotments consistent with criteria set out in Revision

of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992) ("FM Assignment Policies"):

- (1) First full-time aural service;
 - (2) Second full-time aural service;
 - (3) First local service; and
 - (4) Other public interest matters.
- [Co-equal weight given to priorities (2) & (3)].

In considering the above criteria, it is noted that the proposal advanced by HCBI and the Odoms would not create a first local service. On the other hand, in accordance with factor number three (3), the Baker Creek proposal would provide Gibsland with a first local transmission service. Therefore, under the Commission's long held allotment criteria, the new service proposed by Baker Creek presents a superior arrangement of allotments than the existing service proposed in the NPRM.

9. If the Commission assigns Channel 231C3 to Gibsland, Louisiana, Baker Creek will apply for a construction permit and will construct a new facility upon award of that permit.

WHEREFORE, in accordance with the above, Baker Creek Broadcasting Company respectfully requests that Channel 231C3 be assigned to Gibsland, Louisiana.


June 28, 1999

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Respectfully Submitted,

Baker Creek Broadcasting

By:


Henry E. Crawford
Its Attorney

Baker Creek Broadcasting Company
Counterproposal
June 28, 1999

EXHIBIT 1

Baker Creek Broadcasting Company
COMMENTS AND COUNTERPROPOSAL
MM Docket 99-144
FM Channel 231C3
Gibbsland, Louisiana

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F. W. Hannel, PE
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STATE OF ILLINOIS)
)
COUNTY OF PEORIA) SS:

F. W. Hannel, after being duly sworn upon oath,
deposes and states:

He is a registered Professional Engineer, by
examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor
of Science and Master of Science degrees, both in Electrical
Engineering;

His qualifications are a matter of public record and
have been accepted in prior filings and appearances requiring
Scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him
personally or under his supervision and direction and;

The facts stated herein are true, correct, and
complete to the best of his knowledge and belief.

June 27, 1999



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Baker Creek Broadcasting Company
COMMENTS AND COUNTERPROPOSAL
MM Docket 99-144
FM Channel 231C3
Gibbsland, Louisiana

ENGINEERING STATEMENT

This firm has been retained by Baker Creek Broadcasting Company to prepare this engineering statement in support of its Counterproposal in the proceeding. The NPRM, issued on May 7, 1999, proposed the allotment of FM Channel 231C3 to the community of Arcadia, Louisiana, and the amendment of the outstanding Construction Permit, FCC File Number BPH-961031, to specify operation on FM Channel 231C3 at Arcadia, Louisiana. The permittee at Arcadia, Louisiana is presently authorized to construct a facility on FM Channel 223A.

This counterproposal seeks the assignment of FM Channel 231C3 to the community of Gibbsland, Louisiana, as a first local aural service to that community. Gibbsland has a population of 1224 persons, according to the Rand McNally Atlas, and is fully qualified as a community for FM Allotment purposes. Gibbsland is located in Beinville Parish, which has a population of 15979 persons, and the community is deserving of a first local aural service.

The community of Gibbsland, Louisiana is located at US Atlas geographic co-ordinates N32-32-36, W93-03-18, and a sample transmitter site located at geographic co-ordinates N32-25-47, W92-56-46, will fully comply with the Commission's minimum mileage separation requirements as well as the city grade coverage requirements. The sample site is 9.6 miles, (15.8 kilometers), southeast of Gibbsland and a transmitter operating from this allotment site will fully illuminate the entire community with the required 70 dbu signal.

In view of the foregoing, it is requested that the FM Table of Allotments be amended as follows:

Community	Present	Proposed
Gibbsland, Louisiana	-----	231C3

The changes outlined in this Counterproposal clearly serve the public interest that is superior to the proposal as contained in the Notice of Proposed Rulemaking. In the published proposal, no community receives a first service, but only expanded and upgraded service for existing facilities. In contrast, this Counterproposal seeks the addition of a first service to a qualified community and should be granted over the proposal to simply expand existing service.

Baker Creek Broadcasting Company

COMMENTS AND COUNTERPROPOSAL

MM Docket 99-144
FM Channel 231C3
Gibbsland, Louisiana

Exhibit E-1

**FM Channel Study
FM Channel 231C3
N32-25-47 W92-56-46**

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
ALC	Shreveport	LA	229	C	U	96.2	96.0	286.6°	0.2
KITT	Shreveport	LA	229	C	L	96.2	96.0	286.6°	0.2
ALC	Bastrop	LA	230	C3	D	105.4	99.0	64.1°	6.4
ALC	Bastrop	LA	230	C3	A	99.1	99.0	70.8°	0.1
ALC	Bastrop	LA	230	C3	V	105.4	99.0	64.1°	6.4
KTRYFM	Bastrop	LA	230	A	A	106.6	89.0	66.1°	17.6
KTRYFM	Bastrop	LA	230	C3	A	106.5	99.0	66.1°	7.5
ALC	Little Rock	AR	231	C	U	266.1	237.0	9.1°	29.1
KKPT	Little Rock	AR	231	C	L	266.1	237.0	9.0°	29.1
ALC	Arcadia	LA	231	C3	A	1.8	153.0	357.5°	-151.2
KTRYFM	Bastrop	LA	232	A	D	106.6	89.0	66.1°	17.6
KTRYFM	Bastrop	LA	232	A	L	106.6	89.0	66.1°	17.6
ALC	Shreveport	LA	233	C	U	96.5	96.0	286.1°	0.5
KRUF	Shreveport	LA	233	C	L	96.5	96.0	286.1°	0.5
ALC	Jonesboro	LA	285	C3	U	36.7	14.0	166.1°	22.7
KTOCFM	Jonesboro	LA	285	C3	L	30.9	14.0	137.4°	16.9

All Distances in Kilometers

CERTIFICATE OF SERVICE

I, Henry E. Crawford, do hereby certify that copies of the foregoing
Counterproposal have been served by United States mail, postage prepaid this
28th day of June, 1999 upon the following:

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